

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHNNY A. TANNER,

Plaintiff,

- against -

DEPUTY WARDEN JOHN and/or JANE DOE
FOR ADMINISTRATION, MDC, et al.,

Defendants.
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07 Civ. 2127 (PAC) (AJP)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

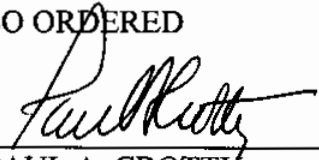
Pro se Plaintiff Johnny A. Tanner ("Tanner") brought this action against Defendants Deputy Warden John and/or Jane Doe, MDC, et al. ("Defendants") on March 13, 2007. Magistrate Judge Peck held the initial pretrial conference on May 25, 2007; Tanner did not appear. Magistrate Judge Peck ordered Tanner to show cause in writing by June 12, 2007 why he did not appear; Tanner did not respond. Upon Defendants' application, Magistrate Judge Peck then ordered Tanner to show cause, by June 29, 2007, why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute; Tanner again did not respond.

Consequently, Magistrate Judge Peck issued a Report and Recommendation on July 5, 2007, recommending the dismissal of the case pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders. No objections were received. Finding no clear error, see Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003), the Court adopts the Report and Recommendation. The case is dismissed with prejudice.

Pursuant to 28 U.S.C. § 1915(a)(3), I find that any appeal from this order would not be taken in good faith. The Clerk of the Court is directed to close out this case.

Dated: New York, New York
August 22, 2007

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies To:

Magistrate Judge Peck (Interoffice Mail)

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